

CLERK'S MINUTES OF ARRAIGNMENTDate 09/20/2005 Judge TORGERSON Clerk Mary Lou GonzalesUSA vs. GENO BERTHOD Crim. No. 05-1849 JHDeft. present with/without counsel MARTIN LOPEZ, III, CJAName Apptd/Retd U.S. represented by TARA NEDA for JAMES BRAUN AUSA

Deft. not present _____ Marshal called for Deft. in hallway: Yes/No

Bench warrant issued _____ Bond forfeited _____

Interpreter present: Name of Interpreter _____

Interpreter Used: Interpreter Sworn:

COURT ASKED THE DEFENDANT: Name Gene Berthod SS# 4325 DOB 1947 Tel. No. _____ Residence Address _____ Extent of education/schooling 1 ½ yrs collegeY (N) Whether she is currently or has been recently under the care of a physician or psychiatrist; if she has been hospitalized or treated for narcotic addiction(Y) N Whether she has received a copy of the Indictment(Y) N Whether she has had time to consult with attorney regarding penaltiesY (N) Whether she wants Indictment read in open court(Y) N Whether she will waive reading of Indictment(Y) N Whether she is ready to pleadX Defendant entered plea of not guilty to all counts Defendant entered plea of not guilty to count Nos. _____X Matter referred to USDCX Counsel ordered to file any motions by 10/10/05X Case assigned to: **HERRERA**X Trial set on trailing docket TO BE NOTIFIED Defendant requested psychiatric examination. Instructed to file motion in USDCX Bond set/continued at DEFT REMAINS IN CUSTODY Previous bond motion denied; advised to file bond appeal in USDC Unseal Case Penalty for failure to appear explainedX Discovery Order Distributed (e-filed) First Appearance of Defendant MAG. TAPE NO. 05-26 ACT @ 2460

Counsel for deft will file a motion for reconsideration in the near future to be heard by Judge Herrera since a detention hearing was held in the District of Colorado on 8/31/05 before Magistrate Judge Craig B. Shaffer.